



Paper No. 8

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NOV 27 2002

OFFICE OF PETITIONS

In re Application of :
Theilman and Pricone :
Application No. 10/015,319 : DECISION REFUSING STATUS
Filed: 12 December, 2001 : UNDER 37 CFR 1.47(b)
Attorney Docket No. NV 2914-AC-C1 :

This is in response to the renewed petition filed on 12 November, 2002, under 37 CFR 1.47(b).

The petition is again **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor.

FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.

Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor;
- (5) proof of proprietary interest, and
- (6) proof of irreparable damage.

The petition lacks item (2).

As to item (2), an oath or declaration for the patent application

in compliance with 37 CFR 1.63 and 1.64 has not been presented. Specifically, the declaration is defective in that it contains non-dated/non-initialed alterations in the title of the corporate officer signing on behalf of and as agent for the non-signing inventors.¹ The "Added Pages to Combined Declaration" states on the first page that Richard Randall is Assistant Secretary and Assistant General Counsel, while his signature block contains a non-dated/non-initialed alteration to "Associate" General Counsel and Assistant Secretary.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries related to this decision should be directed to the undersigned at (703)308-6918.


Douglas I. Wood
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¹See 37 CFR 1.52(c).